



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington, D.C. 20240

## DIRECTOR'S ORDER NO. 142

Subject: Nonretaliation Against Small Entities

**Sec. 1 What is the purpose of this Order?** This Order establishes policy regarding treatment of small entities.

**Sec. 2 What is a small entity?** In accordance with the Regulatory Flexibility Act, small entities include small businesses, small Government agencies, and small organizations (not-for-profit organizations).

**Sec. 3 What is the scope of this Order?** This Order applies to employees who interact with small entities in any way. This includes, but is not limited to, employees who issue licenses or permits, administer conservation agreements, carry out regulatory enforcement actions, or administer contracts.

**Sec. 4 What is the responsibility of employees who deal with small entities?** You must provide good customer service to small entities at all times, ensure that all interactions are conducted in a professional manner, and respond appropriately to small entity concerns. When a small entity expresses concern to any Service official about the actions of an employee or the effects of a Service program, we will attempt to resolve the situation to the satisfaction of all concerned. Following such a complaint by a small entity, no employee may take any type of retaliatory action against the small entity.

**Sec. 5 What is retaliatory action?** Retaliatory actions are actions designed to impose more rigorous compliance standards on the small entity who voiced the complaint. Examples include, but are not limited to, taking more stringent regulatory enforcement actions than had previously been taken, denying issuance of a permit or license when it had previously been issued, or terminating a contract without just cause.

**Sec. 6 What is the penalty for conducting retaliatory actions against small entities?** Conducting retaliatory actions against small entities is unacceptable conduct that may result in disciplinary action up to and including removal from the Service. Such conduct may also result in referral to the Office of the Inspector General for investigation.

**Sec. 7 What is the effective date of this Order?** This Order is effective immediately. We will include the provisions of the Order in the Fish and Wildlife Service Manual.

**Sec. 8 When does this Order expire?** Its provisions will remain in effect until June 30, 2003, unless amended, superseded, or revoked.

  
**Deputy** DIRECTOR

Date: April 8, 2002